

September 14, 2020

To the Members of the County Zoning Commission,

The Billings Heights Neighborhood Task Force wishes to express its opposition to the proposed zone change that would facilitate new rental housing development to the west of the Cherry Creek mobile home park. Heights Task Force members have been actively involved in conversations with representatives of the developer, seeking answers on a number of critical concerns. To date, those concerns have been either dismissed or ignored. The Task Force is particularly concerned that this project is being characterized as homes for sale, when the developers and their representatives have been clear that an unspecified number of units will be retained for rental.

The concerns of the Heights Task Force, as outlined below, show that on a number of points, the proposed zone change falls short of the 11 criteria that the Commission considers in approving a zone change. Because the proposed zone change does not meet all criteria, the Heights Task Force respectfully requested that the application be denied.

The Cherry Creek Manufactured Home Park (Cherry Creek MHP) is a high-density neighborhood that is already experiencing challenges with public safety, transportation, student safety, and access to parks and recreation. Facility operations and maintenance by the previous Cherry Creek MHP owners – the same developers on this proposed zone change and project – have been problematic for many residents. Allowing further high-density rental development in this neighborhood will exacerbate the many serious challenges faced in by residents. A satellite image of the neighborhood is provided on the last page of this letter to allow the Commission a better visual on the density of the area.

Criterion #3 – Transportation/Water/ Sewerage/Schools/Parks/Other Public Requirements

Traffic congestion in the area remains a significant concern at current levels, without the addition of 600-800 vehicle trips per day. In particular, neighbors have indicated that a large number of students are waiting on the corner for busing, as school buses do not enter the Cherry Creek MHP. The combination of additional students waiting for the bus with no shelter or safe waiting area and hundreds of additional vehicle trips per day is a meaningful safety concern that the Zoning Commission should consider.

Similarly, both the developer application and the staff memo seem to disregard the measurable impact on nearby public schools. Beartooth Elementary serves this neighborhood and is already, according to the developer, at 92% occupancy. Medicine Crow Middle School is currently operating at a similar enrollment rate. The proposed zone change would allow a higher density of housing, meaning that more children are likely than if the area retained its current zoning. An influx of families to the project area would push both Beartooth and Medicine Crow to near capacity, and that is without factoring in other projects under development in the same area. Further, Billings Public Schools is indicating record enrollment this year, meaning that ordinary community growth is already putting a strain on existing elementary facilities. Retaining the current zoning is the best way to limit adverse impacts on neighborhood schools.

The project developers have indicated they will not develop any parks or recreation facilities in the area. The Cherry Creek MHP has virtually no recreational space available and residents are indicating that the current property owners are directing that outdoor play equipment be removed. While the current operations of the Cherry Creek MHP are no longer the responsibility of the Applicant, it bears upon the Zoning Commission's consideration that existing recreational options are already severely constrained in the neighborhood. The addition of 66 units to the area without any additional improvements to parks, trails, or recreational space falls far short of the criterion to facilitate the provision of parks through a zoning change.

Finally, many neighbors and property owners in the area have raised multiple questions regarding impacts on water that have been unanswered by the Applicant. Specifically, it is not clear how the proposed zone change, allowing higher density building, would impact neighbors on wells. Because the Applicant does plan to use well water for irrigating the development, neighbors are rightfully concerned about the water table and no information has been provided in response to that concern.

Criterion #4 – Public Health/Public Safety/General Welfare

Crime in this neighborhood is already a significant concern. Allowing higher density development that exacerbates the overcrowding in the area will certainly continue to place the safety and general welfare of people living in this neighborhood at risk. During multiple Heights Task Force meetings, residents of the Cherry Creek MHP have indicated that crime is a serious concern. In just the last month, there have been 20 serious incidents, including thefts, an assault, and multiple disturbing the peace incidents in the area of the proposed zone change.

Allowing more high-density development will make these conditions worse, not better. During a recent Task Force meeting, a member of the Billings Police Department indicated that calls to the area typically require two police cars to respond, as weapons are often involved. Increasing the density of development in this area is not consistent with promoting public safety or the general welfare of the neighborhood.

Criterion #6 -- Motorized/Non-motorized Transportation

As stated above, neighbors in the area have concerns over the current traffic congestion as well as the lack of proposed solutions if the zoning were changed to allow higher density development. The Applicant does not propose to develop any walking trails, bike paths or other neighborhood amenities that would promote the use of non-motorized transportation options.

Availability of Housing Options

Many of the zoning criteria speak to the desire for diversity in housing options. Throughout the Applicant documents, the need for options other than detached single-family homes is repeated frequently. Yet, the analysis of the zoning change appears to completely ignore the 96-unit duplex and four-plex development in the vicinity of Medicine Crow Middle School. The analysis provided characterizes this area of the Heights as lacking in housing options but fails to mention the Barrett Road project as providing a meaningful number of additional housing options. Further, the Barrett Road project includes improvements to traffic routes, sidewalks and pedestrian pathways, and recreational options – all of which have been expressly rejected as options by the developers of the Cherry Creek project. Considering that there will be an influx of higher density options in the immediate vicinity of

the proposed new development, there is no need to change the zoning to facilitate housing diversity in the neighborhood.

Homeowners' Association

Residents of the Cherry Creek MHP and neighbors in the area have spoken at both task force meetings and the community meeting for this project about the long legacy of broken promises by the Applicant. Commitments to develop park space, maintain streets and common areas, and improve safety have not been upheld. Residents in the area are rightfully concerned that the same history will be repeated in this project if higher density development is allowed.

It appears that, in response to these concerns, the Applicant is offering to establish a Homeowners' Association (HOA) in the area, which would supposedly be tasked with maintaining the character of the neighborhood and acting in a way to preserve property values. Unfortunately, establishing an HOA in no way solves the very legitimate concerns of residents in this area. The developer has indicated that some units might be sold, others will be retained by the developers as rental units, and it is impossible to predict now how many units might be sold or rented. Because the developers already intend to retain units for rentals, there is a clearly foreseeable scenario in which no HOA is ever established. The Applicants may attempt to sell a few units to ostensibly comply with their promises, but ultimately hold all properties as rentals. There is no obligation on the part of the developers to sell, and the long history of broken promises by the developers in this neighborhood is basis for legitimate concern. Should the developers conclude that their financial interests are best served by keeping all properties as rentals, this neighborhood will end up with more of the same high-density rental congestion that has already adversely impacted this neighborhood.

Both neighborhood residents and the Task Force have requested drafts of the HOA proposal, but no documents have been provided. The Zoning Commission does not need to consider the existence of an HOA in its evaluation of the zoning criteria, but to the extent that the Applicant is suggesting that concerns about safety, property values, or general development impact can be addressed through the proposed HOA, we would submit that is simply not the case. There is no way to ensure that properties will be sold, that an independent HOA would ever be established, or that these properties would differ in any meaningful way from the history of neighborhood harm caused by the developers in the Cherry Creek MHP.

Based on the concerns identified in this letter, the Heights Task Force requests that the proposed zone change be rejected, as it fails to meet all 11 of the zone change criteria. The current Residential 9600 zoning allows for responsible development that is consistent with the character of the neighborhood without the volume of negative impacts that would be caused by higher-density development.

Thank you for your consideration of these comments.

Sincerely,



Jennifer Owen
Chair, Heights Neighborhood Task Force

